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OFFICE OF PETITIONS

In re Application of :
Weidmark et al. : DECISION ON
Application No. 10/766,408 :
Filed: January 27, 2004 :
Attorney Docket No. APP 1492 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

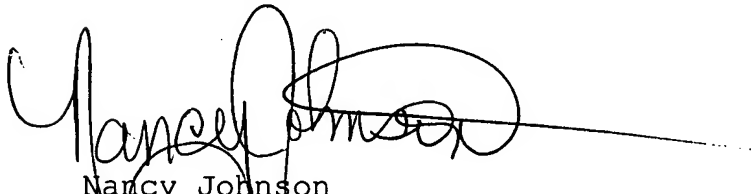
The above-identified application became abandoned for failure to file a proper and timely reply to the "Notice to File Missing Parts of Nonprovisional Application" mailed May 19, 2004. This Notice set a two-month period for reply with extensions of time obtainable under §1.136(a). On May 27, 2004, applicants filed a reply. However, by "Notice of Incomplete Reply" mailed June 8, 2004, applicants were informed that the reply was insufficient and that the period for reply continued to run as set forth in the Notice mailed May 19, 2004. As no extensions of time were obtained, the above-identified application became abandoned effective July 20, 2004. The instant petition precedes the mailing of a Notice of Abandonment.

Petitioner states that the Notice mailed June 8, 2004 was not received. However, petitioner submits no evidence to support a showing of non-receipt. Accordingly, withdrawal of the holding of abandonment is not warranted.

Nonetheless, petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a replacement abstract, paid the petition fee, and made the required statement of unintentional delay.

The application file is being returned to the Office of Initial Patent Examination for consideration of the response (a replacement abstract) supplied on petition filed February 14, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions